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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,342

10/20/2003

Ludwig Busam

CM2536CQ

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05/03/2006

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

LONEY, DONALD J

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,342

Applicant(s)

BUSAM ET AL.

Examiner

Donald Loney

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-19 is/are pending in the application.
- 4a) Of the above claim(s) 15-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-14 and 19 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 17, 2006 has been entered.

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 15 has been renumbered 19. This was done since claims 15-18 are drawn to non-elected claims that have not been cancelled in the application, therefore, the next available claim number would be 19.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 1772

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 4-6, 8, 9 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 56-140153 cited by the applicant as presented in the last office action, mailed December 28, 2005.

JP 56-140153 discloses a corrugated fiber sheet containing a line pattern of thermo compression bonding and/or welding dots 1. This is considered a pattern line since the applicant, on page 16, lines 5-10 and figure 6 also disclose the line pattern can be dots. The dots connect at least two corrugations. The dots can be considered as two sets of parallel lines that criss-cross (first and second line patterns per claim 3) as applicant recites, and shows in figure 6. Refer to figure 7 along with page 2, last paragraph through page 6, paragraph 3.

5. Claims 1, 8, 12 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Mizutani et al (6586076) as presented in the last office action, mailed December 28, 2005.

Mizutani et al discloses a corrugated fiber sheet with what one can consider a line pattern of heat bonded regions 2C that connect corrugations. The regions connect at least two corrugations. The regions can be considered as two sets of parallel lines wherein one is not parallel to the other. This region is considered embossed heat bonded since the molds 11,12 or rollers 21, 22 are heated to improve the moldability of

Art Unit: 1772

the sheet and connecting part 2C when forming the same. Refer to figures 4 and 6 along with column 4, line 17-54, column 5, lines 27-65, column 6, lines 1-51 and column 9, lines 29-40.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 10, 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 56-140153 in view of Easley et al (3653382) as presented in the last office action, mailed December 28, 2005.

The primary reference teaches the invention substantially as recited except for the corrugations being deformed (i.e. flattened into a pleated type structure) as recited in claim 14 and shown by applicants' figures 4B and 4C. See the 35 U.S.C. 102 rejection above.

Easley et al teaches to form embossed patterned lines 6 that run non-parallel to the flattened corrugations. Refer to figures 1-3 showing a flattened type structure as recited by the applicant and shown in figures 4B and 4C referred to above.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to JP 56-140153 to deform the corrugated sheets, as taught by Easley et al, in order to form a flattened type structure (i.e. pleated) therefrom, motivated by the fact Easley et al teaches to emboss the structure with lines 6 that run

Art Unit: 1772

non-parallel to the flattened areas. It would also be obvious to one of ordinary skill in the art to form the bonding in the vale region of the corrugation motivated by the fact JP 56-140153 shows the bonding 1 at the bottom of the sheet in figure 1. The flattened corrugations, bonding in the vale section of the corrugation and the properties recited in claims 10 and 11 would be obvious to one of ordinary skill in the art motivated by the fact JP 56-140153 discloses that the bonding is done in order to improve strength, control linting and improve softness, all of which are controlled by the bonding features of the sheet.

8. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mizutani et al as presented in the last office action, mailed December 28, 2005.

The primary reference teaches the invention substantially as recited except for the properties of claims 10 and 11 along with the additional second bonding pattern of claim 9. See the 35 U.S.C. 102 rejection above.

However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Mizutani et al to form a sheet of the loft specified motivated by the fact that Mizutani et al teaches that it is known that one wants to retain the soft feeling and cushioning properties of the sheet (column 1, lines 41-45) in order to provide a superior product there from with desired properties for a particular application. Also, the secondary bonding pattern of claim 9 would be obvious to one of ordinary skill in the art motivated by the fact it would supply additional bonding there to, if one desired so, in order to form a product of desired properties for a particular application.

9. Claims 7 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 56-140153 in view of Tanaka et al (6506472).

JP 56-140153 discloses a corrugated fiber sheet containing a line pattern of thermo compression bonding and/or welding dots 1. This is considered a pattern line since the applicant, on page 16, lines 5-10 and figure 6 also disclose the line pattern can be dots. The dots connect at least two corrugations. JP 56-140153 also discloses that the line patterns can be continuous (per claim 7, or solid per claim 19) and other patterns can be adopted. Refer to page 5; lines 14-18. Also, refer to figure 7 along with page 2, last paragraph through page 6, paragraph 3. JP 54-140153 does fail to specifically disclose that when the lines are continuous that, two sets of parallel lines, wherein one set is not parallel to the other, is formed.

Tanaka et al discloses that when continuous bonding lines 5 are formed in a fibrous sheet that two sets of parallel lines, wherein one set is not parallel to the other, can be formed in order for the sheet to exhibit excellent bulkiness, resiliency and compressibility characteristics as well as three dimensional appearance. Refer to figures 3-6 along with column 3, lines 12-24.

There fore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to JP54-140153 to form two sets of parallel bonding lines therein, wherein one set is not parallel to the other, as taught by Tanaka et al, in order for the sheet to exhibit excellent bulkiness, resiliency and compressibility characteristics as well as three dimensional appearance motivated by the fact JP 54-

Art Unit: 1772

140153 discloses that other patterns and continuous bonding lines can be formed, of which Tanaka et al shows to be known in the art.

Response to Arguments

10. Applicant's arguments filed January 30, 2006 have been fully considered but they are not persuasive. The applicant argues that JP 56-140153 bonding pattern of dots fails to teach bonding pattern lines and that their pattern is of zig-zag pattern. However, as indicated above, and on page 3, lines 20-23 and page 16, lines 5-10 of the applicant's specification, the pattern line can be formed of dots 610. The examiner has included drawings 2 and 3 of JP 56-140153 and figure 4 of Mizutani et al with crossing lines showing what can be considered two sets of parallel lines wherein one set is not parallel to the other. The applicant argues that Easley et al fails to teach corrugated webs, however, the applicant deforms the corrugations as recited in the claims and then this results in a flattened corrugation as shown in applicants figure 4B and also shown by the folded structure of Easley et al in figures 2, 4 and 6. Once the corrugation is flattened it appears as a folded structure per the instant claims and shown by Easley et al.

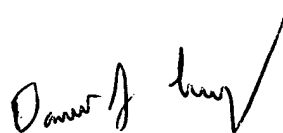
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-1493. The examiner can normally be reached on Mon, Tues, Thurs and Fri. 8AM-4PM, flex schedule.

Art Unit: 1772

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJL:D.Loney
04/28/06


Donald Loney
Primary Examiner
Art Unit 1772